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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,960	12/21/2000	Benjamin N. Eldridge	P3D4-US	3621

27520 7590 04/10/2002

FORMFACTOR, INC.  
LEGAL DEPARTMENT  
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LIVERMORE, CA 94550

EXAMINER

CUNEO, KAMAND

ART UNIT PAPER NUMBER

2827

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

9746960

Applicant(s)

Examiner

LUNO

Group Art Unit

2827

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 49-59, 325-345 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 49-59, 325-345 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

**DETAILED ACTION*****Election/Restriction***

1. This application contains claims drawn to a plurality of disclosed patentably distinct species comprising the following:

--please pick one option from the list of contact configurations (the lettered species) and one option from the list of mounting configurations (the numbered species), e.g. species 3c--

contact configuration species a	defined by figure	2A,
b		2B,
c		2C,
d		2D,
<u>e</u>		2E,
f		2F,
g		2G,
h		2H,
i		12F,
j		24A,
k		24B,
l		38A,
m		40A,
n		40B,
o		42B,
p		45;

mounting configuration species	1	defined by figure	1A-1E,
	2		1F,
	3		5,
	4		5A,
	5		5B,
	6		5C,
	7		5D,
	8		5E,
	<u>9</u>		5F,
	10		5H,
	11		5I,
	12		6A-B, 7A-C,

13	6C,
14	8A-B,
15	8C-D,
16	9A-B,
17	10H-I,
18	10J-K,
19	12D,
20	12E,
21	14G,
22	15A,
23	16C,
24	16F,
25	17A,
26	17B,
27	17C,
28	17D,
29	17E,
30	18B,
31	19B,
32	20B,
33	21,
34	22C,
35	22F,
36	23A-C,
37	24A,
38	24D,
39	25,
40	26-27,
41	28,
42	29,
43	30,
44	31,
45	32,
46	33,
47	34,
48	35,
49	36,
50	37,
51	38,
52	39,
53	44,
54	50A,
55	50B,
56	51A,

57	51B,
58	53B,
59	54.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

3. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. Given the complexity of the requirement, a telephone election was not sought by examiner.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiries related to the examination of this application should be directed to Ex. K. Cuneo at

Serial Number: 09/746960

5

Art Unit: 2827

(703) 308-1233 or her supervisor SPE David L. Talbott at (703) 305-9883. Inquiries of a general nature should be directed to the receptionist of Group 2800 at (703) 308-0956. The fax numbers for Group 2800 are (703) 308-7722 and 7724.



K. Cuneo  
Primary Examiner  
April 8, 2002